

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

State of South Carolina,)	CA: 1:16-00391-JMC
)	
Plaintiff(s),)	
)	
v.)	
)	
United States, <i>et al.</i> ,)	
)	
Defendant(s).)	

CONSENT MOTION FOR EXTENSION OF TIME

Counsel for the Federal Defendants, pursuant to Local Civil Rule 6.01, move this Court for an order extending the time for the parties to submit the joint written statement ordered by this Court's March 20, 2017 Order granting in part and denying in part Plaintiff's motion for summary judgment (ECF No. 86), which would be due April 21, 2017, to July 31, 2017.

In its March 20, 2017 Order, this Court held that the Federal Defendants failed to comply with the provisions of 50 U.S.C. § 2566(c) by not removing one ton of defense plutonium by January 1, 2016. The primary issue remaining to be decided is the nature of the injunctive remedy this Court will order. Between this Court's issuance of its Opinion and Order and the present time, the Federal Defendants have been working to obtain more specific and updated information regarding the Department of Energy's (DOE) capability and options for the removal of one ton of defense plutonium from the Savannah River Site, as requested by the Court in its March 20 Order. At this time, however, the Federal Defendants are not able to provide definitive information, due to two factors: (1) the need to coordinate any proposed remedy with a number of its program offices and officials -- a process which is complicated by the fact that a number of leadership positions at DOE are not presently filled; and (2) the fact that the agency's budget has not yet been approved by Congress for dates beyond April 28, 2017. The requested time also is

necessary to allow adequate time to consider the issue raised in this matter, as well as available resources.

Accordingly, counsel for the Federal Defendants respectfully request an extension until July 31, 2017, for the parties to submit the joint written statement ordered by the Court. During this time, the parties have agreed to continue engaging in good faith settlement discussions in accordance with this Court's Amended Scheduling Order (ECF No. 83) setting a July 31, 2017 deadline. If the parties are able to come to an agreement, they will submit a joint proposal with the written statement. If the parties are unable to agree, they will propose a date for the filing of separate statements regarding the appropriate remedy.

This is the first request for an extension in which to submit the joint written statement from either party. Defendants' counsel has consulted with counsel for the Plaintiff, and counsel for the Plaintiff consents to the extension of time for the parties to submit the joint written statement.

(SIGNATURE PAGE ATTACHED)

Respectfully submitted,

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April 20, 2017
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